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| APPLICATION NO.             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|-----------------------------|-------------|----------------------|----------------------|------------------|
| 10/642,776                  | 08/18/2003  | Swapan Roy           | 406-01               | 3684             |
| 39065                       | 7590        | 09/16/2008           | EXAMINER             |                  |
| PROTEUS PATENT PRACTICE LLC |             |                      | GROSS, CHRISTOPHER M |                  |
| P.O. BOX 1867               |             |                      |                      |                  |
| NEW HAVEN, CT 06508         |             |                      | ART UNIT             | PAPER NUMBER     |
|                             |             |                      | 1639                 |                  |
|                             |             |                      | MAIL DATE            | DELIVERY MODE    |
|                             |             |                      | 09/16/2008           | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ADVISORY ACTION**

**Continuation of 3**

In accordance with MPEP 803.02, should applicant overcome a rejection - by amending a claim - to exclude species anticipated or rendered obvious by the prior art, the search concerning amended claims will need to be extended to the extent necessary to determine patentability. Said search extension constitutes an additional consideration and/or search. See MPEP 714.13. Here, the proposed amendment filed 8/4/2008 limiting the protein molecule being elutable requires further search and consideration.

Said required additional consideration and/or search means the proposed claim amendments also do not place the application in better form for appeal by materially reducing or simplifying the issues in the case.

Furthermore, there is no reason why the proposed amendments were not presented earlier in prosecution. See 37 CFR 1.116 (b)(3).

**Continuation of 13**

In light of the fact that the proposed amendments, filed 8/4/2008, after final rejection will not be entered, Applicant's arguments filed 8/4/2008 (see p 15-20) are rendered moot.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Gross whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on 571 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross  
Examiner  
Art Unit 1639

cg

/JD Schultz, PhD/

Supervisory Patent Examiner, Art Unit 1635